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**To:** Registered Organizations, Licensees and Laboratories

**From:** NYS Office of Cannabis Management, Health & Safety Unit

**Subject:** Sampling Guidance

**Date:** August 17, 2022 (*Revised 08/24/22*)

## Overview:

Since the passage of the Marihuana Regulation and Taxation Act (MRTA) and with the additions to Cannabis Law allowing for conditional approval of adult-use cultivators and processors, an emergency regulation was necessary to immediately allow the Office of Cannabis Management (OCM) to create an application process to permit cannabis laboratories and approve cannabis sampling firms as well as provide regulations for the sampling and testing of adult-use cannabis. The emergency regulation (Part 130 of Title 9) also transfers medical cannabis laboratory testing oversight functions from the New York State (NYS) Department of Health (DOH) to the OCM.

## Guidance:

### 1. Performing Final Product Sampling

Registered organizations and licensees may perform final product sampling and transportation. *This is a temporary approval and will expire when cannabis laboratories have received approval by the Office to perform sampling and transportation, or the Office has approved cannabis laboratory sampling firms to perform sample collection and transportation.*

### 2. Sample Collection for Prepacked and Unpacked Harvests

Testing of final cannabis and medical cannabis products is required for each lot produced by a registered organization or licensee (*i.e., Adult-Use Conditional Cultivators*). While it is not required, a registered organization or licensee may choose to conduct testing of their prepacked and unpacked harvests for process control testing. This guidance addresses collection of samples of licensee or registered organization's prepacked and unpacked harvests for process control testing. In-house process control testing can be performed by the registered organization or the licensee. A cannabis laboratory permitted by the Office may also perform process control testing of prepacked and unpacked harvests. The sampling should occur as follows:

(a) The sampling technician (or technician) obtains a representative sample from each prepacked or unpacked harvest batch. The representative sample must weigh 0.35% of the total harvest batch weight.



## Office of Cannabis Management

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(b) A technician may collect a representative sample greater than 0.35% of the total harvest batch weight of a prepacked or unpacked harvest batch if necessary to perform the required testing or to ensure that the samples obtained are representative.

(c) The prepacked or unpacked harvest batch from which a sample is obtained should weigh no more than 50 pounds.

(d) When the technician obtains a representative sample from an unpacked harvest batch, the technician should do all the following:

(1) Collect the number of sample increments relative to the unpacked harvest batch size as listed in the following table;

(2) Obtain sample increments from random and varying locations of the unpacked harvest batch, both vertically and horizontally. To the extent practicable, the sample increments obtained from an unpacked harvest batch shall be of equal weight; and

(3) To the extent practicable, collect an equal number of sample increments from each container if the unpacked harvest batch is stored in multiple containers.

Unpacked Harvest Batch Size (pounds)	Number of Increments (per sample)
≤ 10.0	8
10.1 – 20.0	16
20.1 – 30.0	23
30.1 – 40.0	29
40.1 – 50.0	34